



IT IS HEREBY ADJUDGED and DECREED that the below described is SO ORDERED.

Dated: October 07, 2014

TONY M. DAVIS
UNITED STATES BANKRUPTCY JUDGE

**UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

In Re:

FIRED UP, INC.

Debtor

§
§
§
§
§

**Case No. 14-10447-tmd
(Chapter 11)**

**ORDER GRANTING DEBTOR'S OMNIBUS [FOURTH] MOTION TO REJECT
UNEXPIRED LEASES OF NON-RESIDENTIAL REAL PROPERTY EFFECTIVE
NOVEMBER 30, 2014**

CAME ON TO BE CONSIDERED the *Omnibus [Fourth] Motion to Reject Unexpired Leases of Non-Residential Real Property Effective November 30, 2014* filed by the Debtor. Notice and opportunity to be heard having been properly provided and no objections having been filed or otherwise raised, the Court finds that good cause exists to permit the Debtor to reject the leases set forth in Exhibit "A", attached hereto, effective November 30, 2014. The Court therefore finds that the Motion is meritorious and should be granted. It is therefore

ORDERED that Debtor may reject the leases set forth in Exhibit "A" effective November 30, 2014. It is further

ORDERED that the Debtor shall continue to make all payments due on the rejected leases through November 2014. It is further

ORDERED that the Landlords for such rejected leases shall file their claims for rejection damages, if any, within twenty-eight (28) days from entry of this order.

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Order Submitted By:
Barbara M. Barron/Stephen W. Sather
Barron & Newburger, P.C.
1212 Guadalupe, Suite 104
Austin, TX 78701

EXHIBIT A – FOURTH REJECTION MOTION OF NON-RESIDENTIAL REAL PROPERTY LEASES

(September 4, 2014)

Store No.	Location and Leasehold Property Address	Lessee ¹	Lessor (L)/Servicer (S) ²	Lease ³ Type (F/G)	End of Current Lease Term	Status ⁴ (A/R/U)	Escrow	Defaults (R – Rent/ T – Taxes)	Proposed Cures/Adequate Assurance of Future Performance
61	Parker 9355 Crown Crest Blvd. Parker, CO 80138	KRG	BGN Ventures, Ltd. * (L) c/o ACP Management Company 3720 S. Susan Street, Suite 100 Santa Ana, CA 92702	F	12/31/2020	A - M Term of lease amended to 3/31/17. Monthly rent reduced to the greater of (i) \$10,600.00 per month; or (ii) 7.5% of net sales over a natural breakpoint for each period of April through March	\$12,400.00 (E – pre) \$22,800.00 (E – post)	R - \$0 T - \$0	
88	Colorado Springs 3015 New Center Point Colorado Springs, CO 80922	KRG	Norwood Limited, Inc. * (L) 111 South Tejon St., Suite 222 Colorado Springs, CO 80903-2246	F	10/31/2018	A - M Term of lease amended to 4/30/15. Monthly rent reduced to \$10,000.00 per month.	\$5,537.40 (E – pre) \$11,074.80 (E – post)	R - \$0 T - \$0	

¹ KRG (Kona Restaurant Group, Inc.); CLK (Carino's Italian Kitchen, Inc.)

² Asterisk (*) denotes Scheduled Address.

³ Full Lease (F)/Ground Lease (G)

⁴ Assumed (A)/Rejected (R)/Undecided (U); AI denotes "As Is"; M denotes "Modification"

⁵ ED (Effective Date of Plan)

Notice Pg 4 of 6

United States Bankruptcy Court
Western District of TexasIn re:
Fired Up, Inc.
DebtorCase No. 14-10447-tmd
Chapter 11**CERTIFICATE OF NOTICE**

District/off: 0542-1

User: millers
Form ID: pdfintpPage 1 of 3
Total Noticed: 1

Date Rcvd: Oct 07, 2014

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 09, 2014.

db +Fired Up, Inc., 1514 Ranch Road 620 South, Austin, TX 78734-6210

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 9): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 09, 2014

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 7, 2014 at the address(es) listed below:

Barbara M. Barron on behalf of Plaintiff Fired Up, Inc. bbarron@bnpclaw.com,
saugusta@bn-lawyers.com;lhicks@bn-lawyers.com;kelliott@bn-lawyers.com;cbeyer@bn-lawyers.com
Barbara M. Barron on behalf of Debtor Fired Up, Inc. bbarron@bnpclaw.com,
saugusta@bn-lawyers.com;lhicks@bn-lawyers.com;kelliott@bn-lawyers.com;cbeyer@bn-lawyers.com
Blake Rasner on behalf of Creditor FRG Capital LLC brasner@haleyolson.com,
dsereuil@haleyolson.com
Bradford J Sandler on behalf of Interested Party Official Committee Of Unsecured Creditors
bsandler@pszjlaw.com, ljones@pszjlaw.com
Cassandra A. Sepanik on behalf of Creditor National Retail Properties, LP
cassandra.sepanik@tklaw.com, dannette.johnson@tklaw.com
Christina Flores on behalf of Creditor City of Laredo ffccpllc14@gmail.com
Christopher Bedford Mosley on behalf of Creditor City Of Fort Worth
chris.mosley@fortworthtexas.gov, sharon.floyd@fortworthtexas.gov
Crystal R. Axelrod on behalf of Creditor Atascocita 1692, LLC. caxelrod@morganlewis.com
David G. Aelvoet on behalf of Creditor Bexar County david@publicans.com
David M. Bennett on behalf of Creditor National Retail Properties, LP david.bennett@tklaw.com,
gracie.gonzales@tklaw.com
Deborah A. Bynum on behalf of U.S. Trustee United States Trustee - AU12
deborah.a.bynum@usdoj.gov
Dennis I Wilenchik on behalf of Creditor Legacy Air, Inc. admin@wb-law.com
Diane W. Sanders on behalf of Creditor South Texas ISD austin.bankruptcy@publicans.com
Diane W. Sanders on behalf of Creditor Bexar County austin.bankruptcy@publicans.com
Diane W. Sanders on behalf of Creditor Harris County austin.bankruptcy@publicans.com
Diane W. Sanders on behalf of Creditor City of McAllen austin.bankruptcy@publicans.com
Diane W. Sanders on behalf of Creditor Tarrant County austin.bankruptcy@publicans.com
Diane W. Sanders on behalf of Creditor McLennan County austin.bankruptcy@publicans.com
Diane W. Sanders on behalf of Creditor South Texas College austin.bankruptcy@publicans.com
Elizabeth Banda Calvo on behalf of Creditor Arlington ISD, Mansfield ISD rgleason@pbfcm.com,
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G. James Landon on behalf of Interested Party Official Committee Of Unsecured Creditors
landon@slollp.com, prentice@slollp.com
George C Scherer on behalf of Creditor Lewisville Independent School District
scherer@txschoolaw.com, camby@txschoolaw.com
H. Elizabeth Weller on behalf of Creditor Dallas County bethw@publicans.com
H. Elizabeth Weller on behalf of Creditor Rockwall CAD bethw@publicans.com
H. Elizabeth Weller on behalf of Creditor Tarrant County bethw@publicans.com
H. Elizabeth Weller on behalf of Creditor Gregg County bethw@publicans.com
H. Elizabeth Weller on behalf of Creditor Ellis County bethw@publicans.com
James G Ruiz on behalf of Defendant Wells Fargo Bank, N.A. jruiz@winstead.com,
ngriffes@winstead.com
James G Ruiz on behalf of Creditor Wells Fargo Bank, N.A. jruiz@winstead.com,
ngriffes@winstead.com
James H. Billingsley on behalf of Creditor Mary Raney Nelms and Dick P. Wood, as Trustees of
the R.C. Nelms Jr. Hillcrest Trust jbillingsley@polsinelli.com

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The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email)
system (continued)

Jason A. Starks on behalf of Creditor Texas Comptroller of Public Accounts
bk-jstarks@texasattorneygeneral.gov, sherri.simpson@texasattorneygeneral.gov
John P. Dillman on behalf of Creditor Cypress Fairbanks ISD houston_bankruptcy@publicans.com
John P. Dillman on behalf of Creditor Harris County houston_bankruptcy@publicans.com
John P. Dillman on behalf of Creditor Fort Bend County houston_bankruptcy@publicans.com
John T. Banks on behalf of Creditor Hidalgo County, Hidalgo Co. Drainage Dist. #1, and
McAllen Independent School District jbanks@pbfc.com, jbanks@ecf.inforuptcy.com
Joseph D. Martinec on behalf of Creditor Hill Country Texas Galleria, LLC
martinec@mwvmlaw.com, white@mwvmlaw.com
Joseph D. Martinec on behalf of Creditor South Coast Plaza, LLC martinec@mwvmlaw.com,
white@mwvmlaw.com
Joseph R Sgroi on behalf of Creditor Glazier Foods Company jsgrui@honigman.com,
litdocket@honigman.com
Kay D. Brock on behalf of Creditor Travis County bkecf@co.travis.tx.us
Kevin M Newman on behalf of Creditor Inland American Retail Management, LLC
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Kevin M Newman on behalf of Creditor MB San Antonio Brooks Limited Partnership
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Laura J. Monroe on behalf of Creditor Potter County, et al lmbkr@pbfc.com,
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Lee Gordon on behalf of Creditor Waco Independent School District
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Lee Gordon on behalf of Creditor The County of Brazos, Texas
vcovington@mvbalaw.com; kmorris@mvbalaw.com; othercourts@mvbalaw.com
Lee Gordon on behalf of Creditor City of Waco
vcovington@mvbalaw.com; kmorris@mvbalaw.com; othercourts@mvbalaw.com
Lee Gordon on behalf of Creditor Bowie Central Appraisal District
vcovington@mvbalaw.com; kmorris@mvbalaw.com; othercourts@mvbalaw.com
Lee Gordon on behalf of Creditor Taylor Central Appraisal District
vcovington@mvbalaw.com; kmorris@mvbalaw.com; othercourts@mvbalaw.com
Lee Gordon on behalf of Creditor The County of Hays, Texas
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Lee Gordon on behalf of Creditor Central Appraisal District of Taylor County
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Lee Gordon on behalf of Creditor The County of Comal, Texas
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Lee Gordon on behalf of Creditor The County of Williamson, Texas
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Lee Gordon on behalf of Creditor The County of Denton, Texas
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Lisa C. Fancher on behalf of Creditor Prosperity Bank lfancher@fbhh.com, cdeacon@fbhh.com
Lynn Saarinen on behalf of Debtor Fired Up, Inc. lsaarinen@bn-lawyers.com,
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Lynn H. Butler on behalf of Creditor GE Capital Franchise Finance Corporation
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Marvin E. Sprouse, III on behalf of Creditor Megaplex Four, Inc. msprouse@jw.com,
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Marvin E. Sprouse, III on behalf of Creditor RB River IV LLC msprouse@jw.com,
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Marvin E. Sprouse, III on behalf of Creditor RB River VI LLC msprouse@jw.com,
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R. Spencer Shytles on behalf of Creditor Magdalena Properties, LLC rss@gbstxlaw.com
Richard E. Hettinger on behalf of Creditor Brownsville Public Utilities Board
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Robert Yaquinto, Jr on behalf of Creditor FreshPoint Dallas, Inc. rob@syllp.com
Robert Yaquinto, Jr on behalf of Creditor FreshPoint South Texas, LP rob@syllp.com
Robert Yaquinto, Jr on behalf of Creditor FreshPoint Oklahoma City, LLC rob@syllp.com
Robert Yaquinto, Jr on behalf of Creditor Potato Specialty Co. rob@syllp.com
Russell Brandon Bundren on behalf of Creditor ARC CAFE, LLC bbundren@bab.com,
rbbundren@me.com
Samuel C Wisotzkey on behalf of Creditor Ecolab Inc. swisotzkey@kmsc.com
Seth E. Meisel on behalf of Interested Party Official Committee Of Unsecured Creditors
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Stephen W. Sather on behalf of Attorney Barron & Newburger, P.C. ssather@bn-lawyers.com,
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TOTAL: 86